

# MAHONEY & KEANE, LLP

Edward A. Keane\*  
 Cornelius A. Mahoney\*  
 Garth S. Wolfson\*  
 Jorge A. Rodriguez\*+  
 \_\_\_\_\_  
 Of Counsel  
 Stephen J. Morrissey  
**USDC SDNY**  
**DOCUMENT**  
 \*Also admitted in NJ  
 +Also admitted in CT

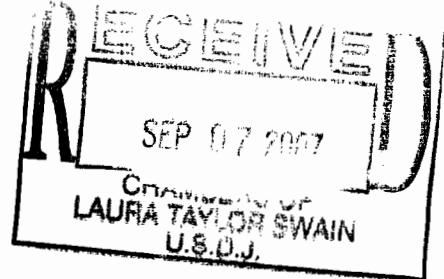
*Attorneys at Law*  
**111 Broadway - 10th Floor**  
**New York, New York 10006**  
 Telephone (212) 385-1422  
 Facsimile (212) 385-1605  
 lawoffices@mahoneykeane.com

Connecticut Office

14 Pilgrim Lane  
 Weston, CT 06883  
 Tel: (203) 222-1019  
 Fax: (203) 222-0252

Of Counsel	lawoffices@mahoneykeane.com
Stephen J. Morrissey	
<b>USDC SDNY</b>	
<b>DOCUMENT</b>	
*Also admitted in NJ	
+Also admitted in CT	
<b>ELECTRONICALLY FILED</b>	
<b>DOC #:</b>	
<b>DATE FILED:</b>	<b>SEP 11 2007</b>

September 7, 2007



BY HAND

The Honorable Laura Taylor Swain  
 United States District Court  
 United States Courthouse  
 500 Pearl Street  
 New York, NY 10007

Re: NYKLAURITZENCOOL AB v. KELSO ENTERPRISES and PACIFIC FRUIT INC.  
Docket No. 07 CV 3520 (LTS)(HBP)  
Our File No. 12/3316

Honorable Madam:

We represent Plaintiff, NYKLAURITZENCOOL, in the above-referenced matter and write, with concurrence of defense counsel, to report on the status of same, as well as to request an adjournment of the scheduled Pretrial Conference for September 12, 2007.

Counsel have agreed to dismiss without prejudice the claims in the subject matter against one of the two defendants, specifically Pacific Fruit Inc. Those claims are now the subject of arbitration before the Society of Maritime Arbitrators, the panel consisting of Mr. David W. Martowski as chairman, Mr. Anthony Siciliano and Mr. Joseph Wiener. We will follow shortly with a Stipulation of Dismissal as to PACIFIC FRUIT in accord with our agreement.

The remaining claims in the lawsuit are against KELSO Enterprise and are sought to be maintained, *inter alia*, in order to obtain security for any judgment ultimately awarded the plaintiff. However, in that respect the parties are in the process of ongoing discussions concerning providing both security from KELSO to the plaintiff, as well as counter-security to KELSO from the plaintiff. We are hopeful those discussions may ultimately obviate the need for the litigation claim against KELSO as well.

## MEMO ENDORSED

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel and unrepresented parties and filing a certificate of such service within 5 days from the date hereof. Do not fax such certification to Chambers.

We respectfully ask the Court for an additional 45 days to see whether further negotiations can either remove the necessity of the litigation in the Southern District or at least streamline the issues presented to the Court.

Respectfully submitted,

MAHONEY & KANE, LLP

  
By   
Edward A. Keane

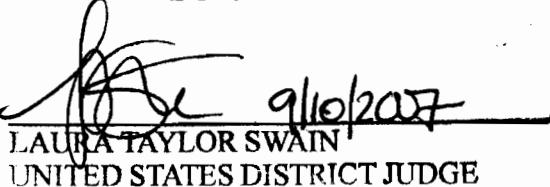
EAK/mtc

CC: VIA FAX (212) 267-5767

JOHN R. KEOUGH, III. ESQ.,  
WAESCHE SHEINBAUM & O'REGAN, PC  
111 Broadway Fl 4  
New York, NY 10006-1991  
(212) 227-3550

The conference is adjourned to  
October 29, 2007 at 4:00 pm and  
the related deadlines are modified  
accordingly.

SO ORDERED.

  
9/10/2007  
LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE